EXHIBIT 5

```
 1              IN THE UNITED STATES DISTRICT COURT

 2          FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

 3                       AT HUNTINGTON

 4                 TRANSCRIPT OF PROCEEDINGS

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 8   IN RE:  ETHICON, INC., PELVIC

 9   REPAIR SYSTEM PRODUCTS LIABILITY    MDL NO.

10   LITIGATION                          2:12-md-2327

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12   _____

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14                      MOTION HEARING

15                     JUNE 13, 2014

16          BEFORE THE HONORABLE CHERYL A. EIFERT,

17            UNITED STATES MAGISTRATE JUDGE

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19          Sidney L. Christie Federal Building

20            845 Fifth Avenue, Room 109

21          Huntington, West Virginia  25701

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United States District Court
Southern District of West Virginia

─────── Motion Hearing ───────

1   MR. ANDERSON: Some cases, it may be --

2   THE COURT: Yes.

3   MR. ANDERSON: -- additional evidence of pathology.

4   MR. THOMAS: We certainly believe it's critical

5   evidence, Your Honor.

6   THE COURT: All right. We don't agree, as I

7   understand it, that the plaintiffs have control over it. I

8   think the defendant says that the plaintiffs do have control

9   over it; plaintiff says plaintiffs do not have control over

10   this evidence. Right?

11   MR. ANDERSON: Yes, Your Honor.

12   THE COURT: I'm going to tell you that I looked at

13   your argument regarding the medical records and I don't agree

14   with that argument, and I'll tell you why I don't agree with

15   it.

16   I think that tissue is completely different from

17   medical records because my understanding of medical records is

18   that those records belong to the medical provider. The

19   medical provider creates the records. It's the thought

20   process of the medical provider. And from the beginning of

21   time, those records have belonged to the medical provider.

22   The patient has had an interest in the record, since the

23   record is about the patient, but it's always been the work

24   product of the provider. And so that makes records a little

25   different, in my mind, than, for example, my tissue taken out

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